



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.24049 of 2015

1 TMT.G.AMUTHU

2 MR.R.SEKAR

.. PETITIONER / ACCUSED No.1 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM.
(CRIME NO. 57 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S V.SAKTHIVEL Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)

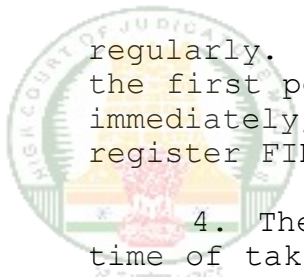
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.57 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner borrowed a sum of Rs.11,00,000/- from the de-facto complainant for the purpose of giving treatment to her husband, for which, she undertook either to execute the sale deed in respect of the ECR Plot, which is worth about Rs.13,00,000/- or to pay the said amount with interest. Believing her words, the de-facto complainant gave Rs.11,00,000/- to the first petitioner, but, she did not execute the sale deed or return the money with interest. When the same was questioned by the de-facto complainant, the petitioners threatened the de-facto complainant with dire consequences. Hence, the de-facto complainant has given the complaint for the offences stated above.

3. The case of the petitioners is that they are innocents and they have not committed any offence as alleged by the prosecution. The further case of the petitioners is that the first petitioner is an administrative in charge of Mohideen Complex, Ramanathapuram and the de-facto complainant is one among the tenant of the said Complex. The de-facto complainant was running an Unregistered Chit Fund in her residence and the first petitioner, who was the one of the members of the Chit Fund, paid the amount towards two chits. The first petitioner believing the words of the de-facto complainant, paid the chit amounts regularly from January 2014. Before giving chit amounts, the de-facto complainant had obtained thumb impression and signature of the first petitioner in a <https://hdsrvtscs.courtsonline.org/hdsrvtscs/>. The first petitioner was regularly paying the chit amount to the de-facto complainant till the month of June 2015 and because of financial crisis, she was unable to pay the chit amount



regularly. On the other hand, the de-facto complainant has threatened the first petitioner that if the first petitioner does not pay the amount immediately, she will fill up the blank stamp papers for huge amounts and register FIR against the first petitioner and her family members.

4. The learned counsel for the petitioners submitted that at the time of taking money, the first petitioner executed the documents to show her *bona fide*. The first petitioner did not borrow any money from the de-facto complainant and she is liable to pay only a sum of Rs.40,000/- to the de-facto complainant.

5. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Ramanathapuram, and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the second petitioner shall report before the respondent police daily at 10.00 a.m., until further orders. The first petitioner shall appear before the respondent police, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
17/12/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I
RAMANATHAPURAM
 2. THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
 3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S V.SAKTHIVEL Advocate SR.No.72616

ORDER IN
CRL OP(MD) No.24049 of 2015
Date :17/12/2015

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